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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,752	08/07/2006	Horst Greiner	DE040041	5798
24737 7590 04/13/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
GRAMLING, SEAN P				
ART UNIT		PAPER NUMBER		
2875				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/597,752

**Applicant(s)**

GREINER, HORST

**Examiner**

SEAN P. GRAMLING

**Art Unit**

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/226)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Amendment*

Acknowledgment is made of Amendment filed December 23, 2009. Claims 1-12 are pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 and 4-12** are rejected under 35 U.S.C. 102 (b) as being anticipated by *Koike et al* (US 6,345,903).

3. Regarding claim 1, Koike discloses a luminous body comprising a housing (collectively 12 and 27, see Figure 8) with a light emission surface (top surface of element 27) and a plurality of light sources 15 arranged in the housing, wherein the housing comprises at least a first optical medium 27 with a first optical scattering power into which light of the light sources is coupled; and a plurality of second optical medium elements 25 with a second optical scattering power disposed in the housing, wherein each of the second optical medium elements comprises a plurality of particles, and each of the second medium elements is disposed over a respective one of the light sources 15 (see Figure 2-3 and 8 and column 4, line 53 through column 6, line 13).

4. Regarding claim 4, the second optical medium 25 in Koike is introduced into a region between at least one light source 15 and the light emission surface (see Figures 3 and 8).
5. Regarding claim 5, the first optical medium 25 in Koike is an optical waveguide plate and the light sources 15 are arranged in at least one cavity of the optical waveguide plate (see Figures 3 and 8).
6. Regarding claim 6, the scattering power of the second optical medium 25 in Koike is such that it compensates at least substantially for the reduction in the flow of the light in the first optical medium 27 (see Figure 3 and column 4, line 53 through column 6, line 13).
7. Regarding claim 7, the second optical medium 25 in Koike is introduced into at least one region between at least one cavity and the light emission surface (see Figure 3).
8. Regarding claim 8, the second optical medium 25 in Koike comprises light-scattering particles (see Figure 3 and column 5, lines 39-67).
9. Regarding claim 10, this limitation relates to formation of the light-scattering particles, and it has been held that the method of forming the device is not germane to the issue of patentability of the device itself. Accordingly, this limitation is given no patentable weight.
10. Regarding claim 11, the light propagating in each of the second optical medium elements 25 is at least substantially coupled therein from the first optical medium 27 (see Figure 3).

11. Regarding claim 12, the scattering power of at least one of the media 27 or 25 influences the flow of light in the housing and a predefinable brightness distribution of light over the light emission surface is achieved (see Figure 3 and column 4, line 53 through column 6, line 13).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 2 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Koike et al* (US 6,345,903) and *Kawano et al* (US 6,404,131).

14. Regarding claims 2 and 3, Koike does not specifically teach a layer that reflects on both sides which screens of at least substantially the direct incidence of light from light source 15 to the second optical medium 25. However, Kawano specifically teaches a layer 10 that reflects on both sides which screens of direct incidence of light from a light source 5 to an optical medium (see Kawano, Figures 2 and 5). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to position a reflective layer between the second optical medium 25 and light source 15 in order to direct the light laterally through the first optical member 27 in order to more uniformly distribute light along the emission surface.

***Response to Arguments***

15. Applicant's arguments filed December 23, 2009 with respect to the rejections in the previous Office Action have been fully considered but they are not persuasive. Regarding claim 1, Examiner respectfully disagrees with Applicant's submission that Koike does not teach that the plurality of second optical medium elements 25 each comprise a "plurality of particles". As noted by Applicant in the arguments (page 5), Koike teaches that the plurality of second optical medium elements 25 each contain a wavelength-converting material mixed therein (see Koike, column 5, lines 39-48), the wavelength-converting material being, among other substances, **fluorescein**. The word "particle" is defined as "one of the extremely small constituent of matter, as an atom or nucleus (see [www.dictionary.com](http://www.dictionary.com), entry 2a). Fluorescein has the molecular composition  $C_{20}H_{12}O_5$  and is therefore comprised of a plurality of particles (a plurality of carbon, hydrogen and oxygen atoms), and thus the second optical medium elements 25 in Koike comprise "a plurality of particles". The rejections of claims 1 and 4-12 under 35 U.S.C. 102 (b) as being anticipated by Koike are therefore maintained and the rejections of claims 2-3 under 35 U.S.C. 103 (a) as being unpatentable over Koike are also maintained.

***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN P. GRAMLING whose telephone number is (571)272-9082. The examiner can normally be reached on MONDAY-FRIDAY 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
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/SPG/

/Sandra L. O'Shea/  
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